

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

IGNATIUS BENJAMIN
UDEZE EZENWA,

Petitioner,

-v-

9:23-CV-350

D. CHRISTENSEN, Warden,

Respondent.

APPEARANCES:

OF COUNSEL:

IGNATIUS BENJAMIN
UDEZE EZENWA

Petitioner, Pro Se

75989-054

Ray Brook FCI, P.O. Box 900

Ray Brook, NY 12977

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U.S. Attorney for the Northern
District of New York

Attorneys for Respondent

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FORREST T. YOUNG, ESQ.
Ass't U.S. Attorney

DAVID N. HURD

United States District Judge

ORDER ON REPORT & RECOMMENDATION

On March 20, 2023, *pro se* petitioner Ignatius Benjamin Udeze Ezenwa (“petitioner”), a federal prisoner incarcerated at FCI Ray Brook, filed this habeas corpus action pursuant to 28 U.S.C. § 2241. Dkt. No. 1. The habeas petition challenged a decision by the Bureau of Prisons (“BOP”) to deny petitioner certain time credits under the First Step Act. *Id.* After petitioner was granted leave to proceed *in forma pauperis*, Dkt. No. 3, U.S. Magistrate Judge Daniel J. Stewart directed respondent the Warden of FCI Ray Brook (“respondent”) to respond to the petition, Dkt. No. 4.

On November 14, 2023, respondent requested the issuance of an order to show cause why the petition should not be dismissed based on petitioner’s failure to prosecute this action by, *inter alia*, failing to update his address on file with the Court. Dkt. No. 6. As respondent’s motion explained, petitioner had already been released from custody and then deported to Nigeria. *Id.*

On November 20, 2023, Judge Stewart granted respondent’s request and gave petitioner thirty days in which to update his address on file with the Court. Dkt. No. 8. Judge Stewart also stayed further proceedings on the petition until the show-cause order was adjudicated. Dkt. No. 11. Multiple mailings to petitioner’s last known address were later returned to the Court as undeliverable. Dkt. Nos. 12, 13; *see also* Dkt. No. 5.

On January 2, 2024, Judge Stewart advised by Report & Recommendation (“R&R”) that the petition be dismissed for failure to comply with the local and federal rules and for failure to prosecute. Dkt. No. 14. Neither party has filed objections, and the time period in which to do so has expired. Dkt. No. 14. Notably, the copy of Judge Stewart’s R&R that was sent to petitioner has also been returned as undeliverable. Dkt. No. 15.

Upon review for clear error, the R&R is accepted and will be adopted in all respects. *See* FED. R. CIV. P. 72(b).

Therefore, it is

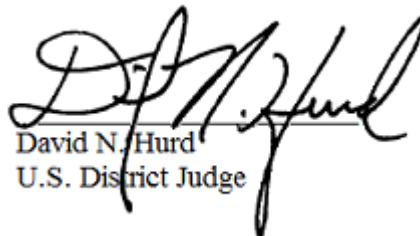
ORDERED that

1. The Report & Recommendation (Dkt. No. 14) is ACCEPTED; and
2. The petition (Dkt. No. 1) is DISMISSED.

The Clerk of the Court is directed to terminate the pending motions, enter a judgment accordingly, and close the file.

IT IS SO ORDERED.

Dated: January 23, 2024
Utica, New York.



David N. Hurd
U.S. District Judge